

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WILL ROBINSON, III,
Plaintiff,
v.
JASON TA, et al.,
Defendants.

No. 2:24-cv-1646 DJC CKD P

ORDER

Plaintiff, a Louisiana inmate proceeding pro se, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 5, 2022, the magistrate judge filed findings and recommendations herein which were served on plaintiff and which contained notice to plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. Plaintiff has not filed objections to the findings and recommendations.

The magistrate judge recommends dismissal for plaintiff's failure to either pay the filing fee or file a request to proceed in forma pauperis. The court notes that plaintiff recently filed a request for leave to proceed in forma pauperis. However, the application is not complete as plaintiff does not include a certified copy of his inmate trust account statement and the "certification" portion was not completed by staff a

1 plaintiff's place of incarceration. Plaintiff was specifically informed that any request to
2 proceed in forma pauperis must include a certified trust account statement and that
3 the "certification" portion must be complete. ECF No. 3.

4 The court presumes that any findings of fact are correct. See Orand v. United
5 States, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law
6 are reviewed de novo. See Britt v. Simi Valley Unified School Dist., 708 F.2d 452, 454
7 (9th Cir. 1983). Having reviewed the file, the court finds the findings and
8 recommendations to be supported by the record and by the magistrate judge's
9 analysis.

10 Accordingly, IT IS HEREBY ORDERED that:

- 11 1. The findings and recommendations filed August 5, 2024 are adopted in full;
- 12 2. Plaintiff's motion for leave to proceed in forma pauperis (ECF No. 7) is
13 denied; and
- 14 3. This case is dismissed without prejudice; and
- 15 4. The Clerk of the Court is directed to close this case.

16
17 IT IS SO ORDERED.

18 Dated: **October 18, 2024**


Hon. Daniel J. Calabretta
UNITED STATES DISTRICT JUDGE